

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

CRYSTAL TRAWICK,

Plaintiff,

vs.

CARMIKE CINEMAS, INC.,

Defendant.

CIVIL ACTION FILE

NO. 4:16-CV-380(CDL)

- - -

DEPOSITION OF
RICHARD HARE

April 10, 2018
10:10 a.m.

600 Peachtree Street, NE, Suite 3000
Atlanta, Georgia 30308

Michelle J. Ruiz, CCR, B-1397

REGENCY-BRENTANO, INC.

CERTIFIED COURT REPORTERS

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1 APRIL 10, 2018

2 DEPOSITION OF RICHARD HARE

3 PROCEEDINGS

4 RICHARD HARE,

5 being first duly sworn, was examined and
6 testified as follows:

7 EXAMINATION

8 BY MS. PREBULA:

9 Q Mr. Hare, I'm Mary Prebula, as you just
10 heard, and I represent Plaintiff Crystal Trawick in
11 this litigation. You are here by agreement and
12 notice, and I'm going to ask you a series of
13 questions.

14 We want a clean record. If you don't
15 understand my question, if you will let me know, we
16 will try to rephrase it.

17 A Okay.

18 Q I do see you shaking your head but you did
19 say okay.

20 A Yes.

21 Q We need to try to have verbal responses;
22 yeses or nos so that we can be clear of your answer.
23 You may say uh-huh or huh-uh and we may ask is that
24 a yes or no. We're not trying to be rude. We're
25 just trying to understand your responses.

REGENCY-BRENTANO, INC.

1 If you can state your full legal name.

2 A Richard Brian Hare.

3 Q Mr. Hare, how old are you?

4 A 51.

5 Q Where do you currently reside; just give
6 me a city and state?

7 A I reside in two residences; Columbus,
8 Georgia and Atlanta, Georgia.

9 Q What is your legal residence?

10 A Columbus, Georgia.

11 Q And where are you currently employed?

12 A Havertys Furniture Company.

13 Q What's your position?

14 A Executive vice-president and chief
15 financial officer.

16 Q When did you get that position?

17 A May of 2017.

18 Q And prior to that, you were CFO at
19 Carmike?

20 A Yes.

21 Q When did you first start working at
22 Carmike?

23 A March of 2006.

24 Q Had you had any contact with Carmike prior
25 to March of 2006? I don't mean going to the movie,

1 you know, but with the executive or corporate
2 office?

3 A No.

4 Q And so I take it that you had no contact
5 with Carmike with regard to any other discrimination
6 claims prior to March 2006?

7 A I had no contact with Carmike regarding
8 any matter prior to 2006.

9 Q Including that?

10 A Can you rephrase the question?

11 Q Prior to March 2006, you had no contact or
12 involvement where Carmike with regard to any
13 discrimination claim?

14 A That's correct.

15 Q After March 2006, other than Ms. Trawick's
16 claim, have you had any contact with any
17 discrimination claims or any involvement with any
18 discrimination claims involving Carmike?

19 A Not that I can remember.

20 Q Are you aware of any other person raising
21 a claim of discrimination or harassment, and then
22 being terminated after an investigation by the CFO's
23 department?

24 MR. GERAKITIS: Object to form.

25 THE WITNESS: Can you repeat that

1 question, please?

2 BY MS. PREBULA:

3 Q Are you aware of any claim by any person
4 raising an issue of discrimination or harassment,
5 and then being terminated by an investigation coming
6 from the CFO's department at Carmike?

7 MR. GERAKITIS: Object to form.

8 THE WITNESS: I'm not aware of anyone
9 being terminated by the CFO's office at Carmike
10 Cinemas.

11 BY MS. PREBULA:

12 Q That was not my question. Perhaps it was
13 inartful. Let's try again.

14 Are you aware anyone who had raised a
15 claim of discrimination or harassment, and then was
16 terminated as a result of an investigation by the
17 CFO's department?

18 A I'm not aware.

19 MR. GERAKITIS: Object to form. You can
20 answer.

21 THE WITNESS: I'm not aware.

22 BY MS. PREBULA:

23 Q So when you were hired in March of 2016,
24 what was the organizational reporting from you up?

25 A I believe you just referenced me being

1 hired in 2016.

2 Q Okay. I was trying to correct it. We'll
3 just rephrase.

4 When you were fired in March of 2006, what
5 was the lines of reporting from you up?

6 A I was hired as the senior vice-president
7 and chief financial officer of Carmike Cinemas in
8 2006 and remained in that same role until the sale
9 of Carmike to AMC Theaters in December of 2016.

10 Q And my question was, what were the lines
11 of reporting; who did you report to?

12 A I always reported to the chief executive
13 officer of Carmike Cinemas with a dotted line to the
14 audit committee chairman of our board of directors.

15 Q And in March of 2006, who was the CEO?

16 A Michael Patrick.

17 Q Who was the audit committee chair on the
18 board of directors?

19 A Allen Hirshfield.

20 Q Can you spell that last name for the court
21 reporter?

22 A H-I-R-S-H-F-I-E-L-D.

23 Q When did Mr. Patrick leave?

24 A Let's see, I believe it was around 2008.

25 Q Was there an interim replacement before

1 David Passman took over?

2 A When Michael Patrick left, the board
3 instituted an office of the chairman which consisted
4 of David Passman as an independent director, Fred
5 Van Noy as chief financial officer, and myself.

6 Q How long did that office of the chairman
7 exist?

8 A Approximately six months.

9 Q And then what occurred?

10 A Then David Passman was appointed chief
11 executive officer of Carmike Cinemas.

12 Q And the office of the chairman was expired
13 or was done away with?

14 A At the point of Mr. Passman's appointment
15 as CEO, the office of the chair was dissolved.

16 Q And then you reported directly to Mr.
17 Passman?

18 A That's correct.

19 Q And that was approximately the end of
20 2008?

21 A It was either -- that was either the end
22 of 2008 or in 2009. I can't quite remember.

23 Q From that point on, was Mr. Passman
24 responsible for your raises, promotions, bonuses, et
25 cetera?

1 A David was partially responsible, but some
2 of that went through our compensation committee
3 which was comprised of members of the board of
4 directors.

5 Q Including Mr. Passman?

6 A Mr. Passman was not a member of the
7 compensation committee.

8 Q Did he have to approve?

9 A I believe the process was Mr. Passman
10 would make recommendations for executive officers
11 and the compensation committee would review and/or
12 approve.

13 Q And did you get bonuses or raises while
14 you were there after Mr. Passman became CEO?

15 A Yes.

16 Q But you stayed in your position of senior
17 VP/CFO until you left?

18 A That's correct.

19 Q And Carmike, you mentioned earlier, was
20 sold in December of 2016. Is that what you said?

21 A Yes.

22 Q And were you involved in that transition?

23 MR. GERAKITIS: Object to form.

24 THE WITNESS: I'm not sure what you mean
25 by transition.

1 BY MS. PREBULA:

2 Q Were you involved at all in the sale of
3 Carmike to AMC?

4 A Yes.

5 Q What was your involvement?

6 A As chief financial officer, I was involved
7 in discussions with our board of directors and with
8 the management team of AMC in advising our CEO on
9 negotiations.

10 Q And what was the form of the transaction?

11 A It was a stock and cash transaction, which
12 is all public record.

13 Q Meaning everything was filed with the SEC,
14 is that what you mean?

15 A That's correct.

16 Q What was the form of the document that
17 transferred Carmike to AMC?

18 A I'm not sure the legal document, but there
19 was -- in December of 2016, the board had approved
20 the transaction -- our shareholders had approved the
21 transaction and the sale was consummated, and those
22 documents were filed with the security and exchange
23 commission.

24 Q Was it a stock purchase?

25 A I don't recall the specifics.

1 Q Did you negotiate the purchase?

2 A No.

3 Q You advised Mr. Passman and the board as
4 to the purchase?

5 A I advised the board. I advised Mr.
6 Passman as well as our investment bankers advised
7 the board and Mr. Passman.

8 Q And do you know whether or not it was a
9 purchase that included liabilities being taken over
10 by AMC?

11 A I'm not a lawyer so I couldn't answer
12 that.

13 Q But you are a chief financial officer.
14 What happened to the debt?

15 A I am a chief financial officer.

16 Q So what happened to the debt?

17 A I left the company the day of close.

18 Q Okay.

19 A I'm not sure how the debt -- Carmike's
20 debt was extinguished or assumed.

21 Q Was that not a part of the negotiation?

22 A I don't recall.

23 Q What happened to any liabilities, such as
24 this lawsuit?

25 A You would have to -- I would -- you would

1 have to refer that to AMC.

2 Q Was that not a part of your negotiations?

3 A I don't recall the specifics of the
4 negotiations.

5 Q Did you keep any notes?

6 A Not that I can recall.

7 Q So what did you do between December of
8 2016 and May of 2017?

9 A I took off a few months and started
10 interviewing for a new job.

11 Q And the position you have not with
12 Havertys is the first one you have had since you
13 level Carmike?

14 A That is correct.

15 Q While you were at Carmike, did you have
16 any day-to-day contact with the Ms. Trawick?

17 A Yes.

18 Q What was that day-to-day contact?

19 A More of a social nature.

20 Q What do you mean by that?

21 A Crystal didn't report to me. But it's a
22 small building, we see each other in the hallways.
23 We would -- I would see her at meetings from time to
24 time. But I didn't really work directly with her.

25 Q Did you socialize outside the office with

1 Ms. Trawick?

2 A Yes.

3 Q In what manner?

4 A Mostly social events in Columbus.

5 Community events where we would see each other.

6 Charity events, things of that nature.

7 Q And what are those events; what are you
8 thinking of when you say community and charity
9 events?

10 A Let's see, Steeple Chase for the Arts is a
11 civic fundraising. I believe she was involved with
12 Screen on the Green, which was probably done through
13 our local chamber of commerce. I believe I remember
14 she was involved with that. I don't recall any
15 other specifics.

16 Q Were you attending those events on behalf
17 of Carmike?

18 A Yes.

19 Q When you say Ms. Trawick was involved,
20 what do you mean?

21 A Crystal was involved in several
22 community-related organizations oftentimes in
23 leadership roles. She was very active in the
24 community.

25 Q And she did that on behalf of Carmike, as

1 well, didn't she?

2 A I don't know specifically. In some cases,
3 she probably did. In some cases, I don't know.

4 Q Did you have to approve those as chief
5 financial officer?

6 A I didn't have to approve what
7 organizations particular members were involved with.
8 We did have a policy that we put in place that any
9 donations to organizations needed to go through
10 CEO's office and be approved in that manner. And
11 the CEO would bring those to the attention of
12 executive team when we met on a weekly basis and we
13 would vet those requests.

14 Q When did you put that policy in place?

15 A I don't recall specifically. But I do
16 recall it being an initiative that David
17 implemented, so that would have been from
18 whenever -- that's public record whenever David
19 became CEO. But it would be from that point forward
20 was when that policy was instituted.

21 Q And was there a written policy?

22 A I don't recall.

23 Q Meaning you just don't remember one way or
24 the other?

25 A I don't remember. I don't remember one

1 way or the other if there was a written policy.
2 That policy was articulated and verbalized to
3 myself, Fred Van Noy and Dan Ellis. Everybody else
4 reported up through of those people, or David, so.

5 Q So basically David Passman said this is
6 how I want to do it?

7 A I would say when David became CEO, we
8 needed to put some controls around our charitable
9 contributions. David encouraged employees to get
10 involved in the community, which was not a policy
11 his predecessor had embraced. And so, we needed to
12 institute some sort of process for helping employees
13 get involved in the community.

14 Q So is that a yes, that Mr. Passman told
15 the three, Mr. Van Noy, Mr. Ellis and you, that now
16 donations to any organization had to go through the
17 CEO office?

18 A I'm not sure if it was David specifically
19 or if it was something that evolved between the four
20 of us when David became CEO.

21 Q Initially, you said that donations to any
22 organizations had to go through the CEO. And then
23 you said, when David became CEO, he had to put
24 controls around charitable contributions.

25 So my question is, did this policy apply

1 to any donations, whether it was charitable or any
2 other organization?

3 MR. GERAKITIS: Object to form.

4 THE WITNESS: Can you repeat that?

5 BY MS. PREBULA:

6 Q Sure. I'm just making sure I understand
7 your testimony.

8 You said that the policy was donations to
9 any organizations would go through the CEO office,
10 right?

11 A It would go through the CEO's office and
12 be vetted by the executive team.

13 Q Okay. And that was a verbal policy as far
14 as you know?

15 A That is correct.

16 Q And that policy would apply to any
17 organization where Carmike was going to make a
18 donation of any kind?

19 A That was to apply to all charitable
20 community-type donations, ad hoc request, et cetera.

21 Q So are you saying that policy only applied
22 to charities or it also applied to any community
23 events where you were going to make any kind of
24 contribution or donation; you, I mean Carmike?

25 A Yes, yes. I recall we liked -- I recall

1 it was to be applied to all charitable contribution
2 requests that came in at the corporate office.

3 Q Does that include contributions to the
4 chamber of commerce?

5 A I don't know.

6 Q Does that include contributions to any
7 social organization in Columbus?

8 MR. GERAKITIS: Object to form.

9 THE WITNESS: I don't know.

10 BY MS. PREBULA:

11 Q Was there any other policy, verbal or
12 written, other than the one you have just described,
13 that donations to any organizations had to go
14 through the CEO office and then be vetted by the
15 executive committee?

16 MR. GERAKITIS: Object to form.

17 THE WITNESS: Can you repeat that again?

18 BY MS. PREBULA:

19 Q Other than the policy you just described
20 that any donations to any organizations had to go
21 through the CEO office and be vetted by the
22 executive committee, was there any other policy
23 applicable to any other donation?

24 MR. GERAKITIS: Object to form.

25 THE WITNESS: I don't recall.

1 BY MR. GERAKITIS:

2 Q You don't recall one way or the other?

3 A I don't -- I don't -- I'm not aware. I
4 don't recall.

5 Q I don't understand your response. I don't
6 know if that's a yes or a no, or you just don't
7 remember one way or the other?

8 A Can you repeat it?

9 Q Was there any other policy as to how
10 donations were going to be handled other than the
11 verbal policy that Mr. Passman told the three of
12 you?

13 A Not that I'm aware of.

14 Q Was there any other written policy?

15 MR. GERAKITIS: Object to form.

16 THE WITNESS: Not that I can recall.

17 BY MS. PREBULA:

18 Q Was there a policy and procedures manual
19 with regard to donations, or expenses, or credit
20 card use when you came to the company?

21 A I don't remember.

22 Q Was there a policies and procedures manual
23 with regard to those issues when you left the
24 company?

25 A I don't remember.

1 Q Would your office not have put that
2 together if it existed?

3 A I don't remember.

4 Q Was there any other office or group that
5 would have been responsible for policies and
6 procedures manual with regard to financial matters?

7 MR. GERAKITIS: Object to form.

8 THE WITNESS: The human resources
9 department often had policies and procedures.
10 I don't recall any specific policies of where
11 they might reside at Carmike.

12 BY MS. PREBULA:

13 Q So you would rely on the testimony of
14 Sadie Marshal as to whether or not such policies and
15 procedures existed?

16 MR. GERAKITIS: Object to form.

17 THE WITNESS: I don't know what Sadie
18 Marshal said, or I can't comment as to what
19 Sadie Marshal may or may not have said.

20 BY MS. PREBULA:

21 Q She was the director of human resources
22 while you were there, correct?

23 A Yes.

24 Q And it is your testimony that human
25 resources would have been responsible for any other

1 policies and procedures?

2 MR. GERAKITIS: Object to form.

3 THE WITNESS: No.

4 BY MS. PREBULA:

5 Q What is your testimony then?

6 A My testimony is I don't recall.

7 Q Any department, other than human resources
8 and the chief financial officer who would have had
9 responsibility for establishing policies and
10 procedures with regard to financial matters at
11 Carmike while you were there?

12 A I don't recall.

13 Q Did Carmike have an organizational chart
14 while you were there?

15 A I don't recall.

16 Q Mr. Hare, I have to ask this question so
17 please don't be offended. Are you taking any
18 medication today that would affect your memory?

19 A No.

20 Q Are you taking any medication today that
21 would affect you giving truthful testimony here?

22 A No.

23 Q Is there any other condition or
24 circumstance that would affect your memory today?

25 A No.

1 Q Any other condition or circumstance that
2 would affect you giving truth testimony today?

3 A No.

4 Q When did you first learn about this
5 deposition?

6 A I don't recall specifically, but in the
7 last two weeks.

8 Q Prior to the last two weeks, did you know
9 you had been listed as a witness in this case?

10 A No.

11 Q How did you learn about the deposition?

12 A Mr. Gerakitis reached out to me.

13 Q Have you hired Mr. Gerakitis as your
14 personal counsel to represent you here today?

15 MR. GERAKITIS: I am here as counsel for
16 the deponent.

17 MS. PREBULA: No. You're here as
18 corporate counsel.

19 MR. GERAKITIS: And the witness.

20 MS. PREBULA: I'm going to let the witness
21 answer the question.

22 MR. GERAKITIS: Okay.

23 MS. PREBULA: After the coaching.

24 THE WITNESS: Can you repeat the question?

25 BY MS. PREBULA:

1 Q Have you hired Mr. Gerakitis as your
2 personal attorney?

3 MR. GERAKITIS: Object to form.

4 THE WITNESS: I don't know how to answer
5 that question.

6 BY MS. PREBULA:

7 Q Did you sign a retainer and fee agreement
8 and pay him any money?

9 MR. GERAKITIS: Object to form.

10 THE WITNESS: I have not paid Mr.
11 Gerakitis.

12 BY MS. PREBULA:

13 Q Have you signed a fee agreement?

14 MR. GERAKITIS: Object.

15 THE WITNESS: No.

16 BY MS. PREBULA:

17 Q What did you do to prepare for the
18 depositions today, Mr. Hare?

19 A I met with Mr. Gerakitis yesterday
20 afternoon.

21 Q And you understand he represents Carmike?

22 A Yes.

23 Q Did you review any documents in
24 preparation for the deposition today?

25 A Yes.

1 Q What did you review?

2 A I reviewed a internal audit report.

3 Q Prepared by who?

4 A I don't recall her name. She worked for
5 Carmike and worked for Fred Friedl.

6 Q Other than Mr. Gerakitis, have you had any
7 communication with anyone about your deposition
8 today?

9 A No.

10 Q Did you retain any documents when you left
11 Carmike that related to Carmike?

12 A No.

13 Q Did you take any computer equipment with
14 you when you left?

15 A Yes.

16 Q What did you take?

17 A I took my ipad and my personal computer.

18 Q Was that a computer provided by Carmike?

19 A It was.

20 Q When you said personal computer, is it a
21 laptop?

22 A No. It was a regular.

23 Q PC?

24 A Yes.

25 Q And was your ipad provided by Carmike, as

1 well?

2 A Yes.

3 Q Did you take any other electronic
4 equipment when you left Carmike?

5 A Yes.

6 Q What?

7 A My phone.

8 Q Was that also provide by Carmike?

9 A It -- no, I had to assume that. I had to
10 assume the payments on that.

11 Q So it was initially provided by Carmike?

12 A It was and then I was offered the phone
13 and I picked up payments on it.

14 Q What happened to the data that was on the
15 personal computer?

16 A It was swept.

17 Q Meaning it was wiped clean?

18 A Yes, it was wiped clean before I could
19 take it.

20 Q Who wiped it?

21 A Somebody in the IT department.

22 Q You don't know who?

23 A I don't know who specifically.

24 Q Did you turn it over to somebody?

25 A I don't recall who specifically took it.

1 I remember Tara Hardwick was in charge of all that
2 at the time.

3 Q Did you make a back-up before the data was
4 wiped?

5 A I didn't, no.

6 Q Was there data on your computer about the
7 financial affairs of Carmike?

8 A Yes.

9 Q Was there data on your computer about Ms.
10 Trawick?

11 A No.

12 Q Was the internal audit report on your
13 computer?

14 A I don't recall. If it was, it would have
15 been in my e-mail.

16 Q What e-mail server were you using at that
17 time?

18 A The company e-mail server.

19 Q You don't recall?

20 A Well, there was -- the company had an
21 e-mail server. I don't know if the company had
22 multiple e-mail servers. But I used the company
23 e-mail.

24 Q You don't know who provided that server?

25 A No.

1 Q Were there e-mails about the investigation
2 of Ms. Trawick on your computer?

3 A I don't recall.

4 Q Were you asked to preserve any data with
5 regard to Ms. Trawick prior to leaving Carmike?

6 A I don't recall.

7 Q Did you get a litigation hold letter or
8 notice to preserve data with regard to this case?

9 A I don't recall.

10 Q Did you preserve any data or documents
11 with regard to this case?

12 A I don't remember.

13 Q Were there financial reports on your
14 computer about salaries and bonuses before it was
15 wiped?

16 A I don't remember having that type of
17 information. That would have been something that
18 would have been part of the controller's office
19 records.

20 Q Who was the controller when you left?

21 A Jeff Kohl.

22 Q Was there a central database that was used
23 to contain that information?

24 A Most of the information of that form were
25 in Excel spreadsheets.

1 Q Would human resources have had access to
2 that information, as well?

3 A I don't know.

4 Q So are you saying that, to your knowledge,
5 there was no personnel database that would contain
6 payroll records and financial records?

7 MR. GERAKITIS: Object to form.

8 THE WITNESS: I'm not sure what type of
9 database there would have been or not have
10 been -- would or would not have been.

11 BY MS. PREBULA:

12 Q If you wanted to determine what someone
13 was making, what would you go look at?

14 A I'd pick up the phone and ask the
15 controller.

16 Q You wouldn't look at any electronic data?

17 A No.

18 Q Was your ipad also wiped clean before you
19 left?

20 A Yes.

21 Q Did you make a back-up of that?

22 A Yes.

23 Q Did it have any corporate data on it?

24 A No.

25 Q None at all?

1 A I used it for e-mail, so it was tied to
2 the e-mail. Whatever the e-mail exchange server was
3 that Carmike used, that was it.

4 Q Did you store e-mail on your ipad?

5 A I didn't store e-mail on the ipad, no. I
6 had e-mail -- access to e-mail on my ipad.

7 Q When you would pull up e-mail on your
8 ipad, did you automatically delete every e-mail as
9 it was reviewed or did they sit on your ipad?

10 A They didn't sit on my ipad. They sat on
11 the server at the office.

12 Q And when you pulled up e-mail on your
13 ipad, could you see more than one e-mail?

14 A Yes.

15 Q In other words, you could open your in-box
16 and see whatever was there?

17 A Yes.

18 Q And whatever you had not deleted, was
19 still there?

20 A Yes. And then -- I'm sorry. Go ahead.

21 Q Go ahead. That's fine. You can finish
22 your response.

23 A When the company turned me off of the
24 server, everything was gone.

25 Q And was a back-up made of the data on your

1 ipad?

2 A No.

3 Q What else was on your ipad other than
4 e-mail?

5 A Several apps.

6 Q Tell me what you recall.

7 A Weather Channel, maybe Facebook. I don't
8 recall specifically, but those types of personal
9 apps.

10 Q So when you say apps, you're referring
11 mostly to personal apps?

12 A Yes.

13 Q Did you have access to Comdata on your
14 ipad?

15 A No.

16 Q Did you have access to the Nexus system on
17 your ipad?

18 A No.

19 Q Did you have access to those two systems
20 on your personal computer?

21 A I remember having access to Comdata. I
22 don't remember Nexus. I'm not sure I know what that
23 is.

24 Q Did you have to enter Comdata with a
25 password?

1 A I don't remember.

2 Q Who maintained the Comdata system while
3 you were at Carmike?

4 A I don't remember.

5 Q Is your testimony the same with regard to
6 somebody in IT wiped it and you don't know who?

7 A Are you referring to Comdata?

8 Q No, no. I'm sorry. For the ipad. You
9 said the ipad was wiped before you took it?

10 A Yes.

11 Q And same thing, somebody in IT did it but
12 you don't know who did it?

13 A Yes.

14 Q Do you know who you turned the ipad over
15 to?

16 A I don't recall specifically.

17 Q Was your phone also wiped before you left
18 Carmike?

19 A Yes.

20 Q Is that the same response, someone in IT
21 wiped it, but you don't know who wiped the phone?

22 A Yes.

23 Q Did you make a back-up before you deleted
24 it?

25 A No.

1 Q Or before it was wiped?

2 A No.

3 Q Did you back-up your phone to your
4 personal computer at the office?

5 A I don't know. I don't know if I could do
6 that.

7 Q Did you have an Apple iphone?

8 A Yes.

9 Q Did you back it up to itunes?

10 A No.

11 Q How did you get updates to the phone?

12 A I would just hit update and it would
13 update.

14 Q Did you sync your phone with your personal
15 computer?

16 A I don't know how to do that.

17 Q Okay.

18 A I don't know. I don't know.

19 Q Did you have a feature where you plug it
20 in and it would run a program to sync it to your
21 personal computer when you got to the office?

22 A No, I don't remember that.

23 Q I apologize if I asked this. Did you make
24 a back-up of the iphone before you turned it over to
25 IT?

1 A No.

2 Q Did anyone in IT tell you whether or not
3 they had maintained a back-up of those three items,
4 your PC, your ipad and your iphone?

5 A No.

6 Q Did you get any directions, either
7 verbally or in writing, that back-ups were going to
8 be made to preserve data?

9 A I don't recall.

10 Q Were there any items with regard to Ms.
11 Trawick on the ipad?

12 A I don't recall.

13 Q If there was an e-mail, it might have been
14 on your ipad, but you don't know?

15 MR. GERAKITIS: Object to the form.

16 THE WITNESS: Can you repeat the question?

17 BY MS. PREBULA:

18 Q I said if there was an e-mail regarding
19 Ms. Trawick, it might have been on the ipad but you
20 don't know?

21 A I don't know.

22 Q Did you store documents, meaning Word
23 documents, PDFs, Excel spreadsheets to your ipad?

24 A No.

25 Q Did you store such documents on your PC?

1 A Yes.

2 Q Did you store them on your desktop?

3 A I would store them on my PC.

4 Q And the division I'm making is, between
5 saving those to a central location or saving them on
6 your desktop of your PC, did you store documents on
7 the desktop?

8 A I would store documents on a drive that I
9 could -- that I knew -- when you store documents on
10 your PC, if memory serves, if you store them in a
11 "my documents" folder, my understanding is those
12 were backed up.

13 Q Okay.

14 A So that's where I would store stuff.

15 Q Did you store documents directly to the
16 desktop so that when you opened the desktop the
17 documents were there on the screen?

18 A That was not my practice.

19 Q And it's your understanding that your PC
20 was backed up from the "my documents" file, correct?

21 A As a normal course of business, my
22 understanding at Carmike Cinemas was our files were
23 backed up if they were in your documents.

24 Q To where?

25 A Some IT server.

1 Q And you don't know where?

2 A No.

3 Q And who backed them up?

4 A Someone in IT. I don't know who
5 specifically.

6 Q Did you also have a laptop that you used
7 at Carmike?

8 A Yes. If memory serves, my laptop was my
9 PC. It went into a docking station. And so, they
10 are one in the same. When I describe my PC, it's
11 the same thing as my laptop.

12 Q Okay. Actually they are not.

13 Did you have a tower that was a PC or just
14 a docking station that you put your laptop in?

15 MR. GERAKITIS: Object to the form.

16 THE WITNESS: I don't recall at what
17 point, but I had both at one point in my
18 tenure.

19 BY MS. PREBULA:

20 Q Which did you have when you left?

21 A If memory serves, I think I had both.

22 Q Meaning you had a central standalone PC
23 and a laptop?

24 A Yes.

25 Q And did you take both of those with you

1 when you left?

2 A Yes, I did.

3 Q And did you have both the laptop and a
4 standalone PC from 2013 to 2015?

5 A I know I had both when I left. That's all
6 I can remember.

7 Q Did you have both when you were dealing
8 with the investigation of Ms. Trawick?

9 MR. GERAKITIS: Object to form.

10 THE WITNESS: I don't recall specifically
11 when I had both. But I do know when I left I
12 had both.

13 BY MS. PREBULA:

14 Q And you took both?

15 A Yes.

16 Q Was the laptop wiped, also?

17 A Yes.

18 Q Did you make a back-up of that?

19 A No.

20 Q Did you give any e-mail or written
21 instruction from Dan Ellis to preserve documents
22 with regard to Ms. Trawick?

23 A I don't remember.

24 Q But you did not preserve anything?

25 MR. GERAKITIS: Object to the form.

1 THE WITNESS: I don't remember.

2 BY MS. PREBULA:

3 Q Did you make any copies of any electronic
4 files to preserve with regard to Ms. Trawick?

5 A I don't recall.

6 Q Did you make any paper copies of any
7 documents with regard to Ms. Trawick?

8 A I don't recall.

9 Q Did you turn any documents or data over to
10 anyone before you left Carmike with regard to Ms.
11 Trawick?

12 A I left all my documents that I had. All
13 my CFO office documents were left in my office my
14 last day of, whenever that was, in December of 2016.

15 Q When you say I left all my documents, are
16 you talking about paper files?

17 A Paper, electronic. When I left, I left,
18 you know, my office in tact with all the materials
19 that were there when I left. I don't know what --
20 you know, where they are or what happened to them,
21 but.

22 Q Were they boxed up? And obviously I'm
23 talking about paper.

24 A Yes. I don't remember if they were boxed
25 up or if they were still in my desk in file -- yes.

1 Q You had a filing cabinet in your office?

2 A I had a desk with a -- yes, I didn't have,
3 per se, a filing cabinet. But I had a desk with
4 drawers that had files.

5 Q Paper files?

6 A Yes.

7 Q So let me make sure I understand. You
8 left your electronic documents there as well, and
9 then the computers were wiped and the ipad and
10 iphone were wiped and given back to you later?

11 A Yes.

12 Q Who returned those to you?

13 A I think I went and picked them up from the
14 office. I don't know, a week -- maybe a week or so
15 after the deal was closed. Except for my phone, I
16 think I kept it the whole time.

17 Q Who did you pick them up from?

18 A I don't remember. It may have been Tara
19 Hardwood, but I don't remember specifically.

20 Q Were the operating programs also wiped
21 from the computer?

22 A Yes.

23 Q Do you recall the names of the files in
24 your drawers?

25 A Most of the files that I had were all

1 historical earnings release and conference calls
2 books dating back 10 plus years. So each quarter,
3 part of my job was quarterly financial reporting and
4 doing earnings calls. So most of my files were in
5 that regard.

6 Q Did you have any source documents or
7 back-up documents for the internal audit report you
8 referenced with regard to Ms. Trawick?

9 A No.

10 Q Did you make any effort to preserve those
11 after this lawsuit was filed?

12 A I don't remember.

13 Q Now, when you say internal audit report,
14 tell me what you're talking about.

15 A There was an internal audit report -- the
16 internal audit report that I reviewed yesterday was
17 from Fred Friedl's office and it was regarding, I
18 believe, a review of Crystal Trawick's expenses.

19 Q What was the form of that report? Did it
20 say internal audit report across the top?

21 A I don't remember. I'd have to look at it.

22 Q Had you seen it before yesterday?

23 A I vaguely remember it. I vaguely remember
24 there was an audit report.

25 Q How did you get involved in -- if you

1 were, in the internal audit?

2 A Can you repeat the question?

3 Q Well, let's take it two-fold.

4 Were you involved in the internal audit or
5 did you just receive a report?

6 A I received a report from the internal
7 audit department.

8 Q Were you involved in doing that audit?

9 A I, as -- the CFO's office is not involved
10 in the auditing of that report or the actual work of
11 that report. That was produced by the internal
12 audit department.

13 Q So that's a no, you were not involved in
14 doing that audit?

15 MR. GERAKITIS: Object to the form.

16 THE WITNESS: I don't understand the
17 question.

18 BY MS. PREBULA:

19 Q Well the question was, were you involved
20 in doing the audit of Ms. Trawick. And I believe I
21 understood your testimony that the answer is no, you
22 were not.

23 A The internal audit department did an audit
24 and I got the report.

25 Q So you didn't actually do any part of the

1 audit?

2 A I did not audit Ms. Trawick. The internal
3 audit department did an audit.

4 Q Did you meet with Ms. Trawick about that
5 audit?

6 A I don't recall.

7 Q When do you recall first having any
8 knowledge of this audit at all?

9 A I remember the issue coming up. The issue
10 was raised by our head of internal audit, Fred
11 Friedl, that he had come across some stuff that he
12 was going to take a look at. And he told me it was
13 expenses related to charitable contributions and he
14 was going to take a look at it and let me know what
15 he found.

16 Q When was that?

17 A I don't remember specifically. He
18 generated that report.

19 Q Are you saying Mr. Friedl generated a
20 report?

21 A Well, Mr. Friedl's office. Melanie
22 reports -- reported -- the person that wrote the
23 report worked for Mr. Friedl.

24 Q Do you remember Melanie's last name?

25 A I don't.

1 Q Powell, does that ring a bell?

2 A It does ring a bell, yes.

3 Q Do you think that's it?

4 A I guess, yes. Yes.

5 Q Did Mr. Friedl ask you to be involved in
6 that report at all?

7 A I'm not sure I understand what you mean by
8 involved.

9 Q Did you do anything other than receive the
10 report from Mr. Friedl's office?

11 A I remember Mr. Friedl making me aware of
12 the situation and what he was going -- and what his
13 next steps were. And I told him to let me know --
14 when you get done, let me know what the results are.

15 Q So did you anything other than receive the
16 report?

17 A With regard to what?

18 Q The internal audit.

19 A No. The internal audit department is a
20 separate function. In a public company, that
21 internal audit reports actually to the audit
22 committee with a dotted line to me.

23 Q Was it Carmike's policy -- you recall this
24 report was done before Ms. Trawick was terminated
25 November 2015, correct?

1 A I don't recall when she was terminated or
2 when that report was released.

3 Q You know the report was generated before
4 she was terminated, right?

5 A I do not know that.

6 Q Okay.

7 A I don't remember the specific dates.

8 Q Were you involved in the termination of
9 Ms. Trawick?

10 A What do you mean by involved? I'm not
11 sure I understand the question.

12 Q Did you have any involvement at all,
13 review, meetings, conferences, telephone calls,
14 conversations, anything that involvement normally
15 means in the termination of Ms. Trawick?

16 MR. GERAKITIS: Object to the form.

17 THE WITNESS: I do remember that Crystal
18 reported to Fred Van Noy. And I do remember we
19 had usually weekly meetings with the executive
20 team, with David Passman, in his office. We'd
21 have a lunch and we would go over important
22 issues in the company. And I remember we had a
23 policy that any types of terminations needed to
24 be discussed in those meetings. And I remember
25 Fred bringing it up and I remember we all

1 discussed it.

2 BY MS. PREBULA:

3 Q Did you make the decision to terminate Ms.
4 Trawick?

5 A I did not.

6 Q Did Mr. Passman make the decision to
7 terminate Ms. Trawick?

8 A I believe it was a group decision.

9 Q Did Ms. --

10 A Fred -- I would -- normal protocol would
11 be, since Crystal reported up to Fred, the normal
12 protocol would be for the -- whoever, the executive
13 that this relates to, which would be Fred, would
14 state the fact pattern, what the situation was, and
15 what his opinion was, and we would go around and
16 discuss it.

17 Q Did Mr. Van Noy make the recommendation
18 that Ms. Trawick be terminated?

19 A I don't recall specifically if he made the
20 recommendation. I do remember it was all discussed
21 in that meeting.

22 Q And did Mr. Passman ultimately make the
23 decision to terminate her?

24 A I don't know if he made the ultimate
25 decision. I do know it was discussed and there was

1 no objection to the recommendation.

2 Q Have you read any of the depositions in
3 this case?

4 A I have not read. I have looked at -- I'm
5 trying to remember whose I looked at. I've looked
6 at Jim Lucas's deposition.

7 Q How did you come to review Mr. Lucas's
8 deposition?

9 A I obtained it from Mr. Gerakitis.

10 Q Have you read any other depositions in
11 this case?

12 A No.

13 Q At the time you had this discussion with
14 the group about the termination of Ms. Trawick, was
15 it discussed that Ms. Trawick had made requests for
16 promotions prior to this investigation?

17 A I don't remember.

18 Q Was it discussed in this group meeting
19 that Ms. Trawick had made requests for pay raises?

20 A I don't recall.

21 Q Was it discussed that Ms. Trawick had
22 discussed the glass ceiling at Carmike for women
23 with Mr. Passman before this investigation?

24 A I don't recall.

25 Q Was it discussed that any other women who

1 had made allegations of harassment or discrimination
2 had subsequently been terminated as a result of a
3 similar investigation?

4 A I don't remember that.

5 Q Was it disclosed by Mr. Passman that he
6 had on more than one occasion, prior to this
7 investigation, discussed with Ms. Trawick that it
8 was harder for women at Carmike?

9 A I don't remember that.

10 Q You stated that there was a policy that
11 terminations were discussed in meetings. Was that a
12 written policy?

13 A I don't remember it being a written
14 policy. I remember it being a policy that we had
15 with the executive team.

16 Q And is it your understanding that the
17 policy was that any termination at Carmike would be
18 discussed by the executive team?

19 A It was more if you had a direct report or
20 somebody -- either a direct report or maybe one
21 below that, that needed to be -- we needed to kick
22 that around. We needed to make -- you know, we
23 needed to put all our heads together on it.

24 Q Was it discussed at the meeting when Ms.
25 Trawick's termination came up that Mr. Van Noy had

1 said he would never promote her?

2 A I don't remember that.

3 Q Was it discussed at that group meeting
4 that Ms. Trawick had been requesting to be made a
5 director since she was performing those duties?

6 A I don't recall.

7 Q So, was there anything discussed about Ms.
8 Trawick's performance, or claims, or treatment at
9 Carmike, other than the internal audit at that group
10 meeting?

11 A The only thing I remember from that
12 meeting is that she was instructed not to discuss an
13 investigation of her expenses with others and that
14 she had broken that commitment and the
15 recommendation was to terminate her for violating
16 that.

17 Q And had you been present when she was
18 allegedly instructed not to discuss an
19 investigation?

20 A I was not present.

21 Q So you never heard that?

22 A That was -- not directly. That was what I
23 heard from Fred Van Noy.

24 Q Were you in the meeting with Ms. Trawick
25 when she was informed of an investigation?

1 A No.

2 Q Were you in the meeting with Ms. Trawick
3 when she was terminated?

4 A No.

5 Q Was it Carmike policy at the time that if
6 an employee was accused of issues with their expense
7 reports or other financial matters that they were to
8 be afforded the opportunity to respond?

9 A I don't remember.

10 Q Do you remember any written policies at
11 Carmike when you were there?

12 A I'm sure we had an accounting manual
13 somewhere with policies in it.

14 Q And that would be with the accounting
15 department, not for other employees?

16 A That would be for the accounting
17 department. I do remember there was an employee
18 handbook. I remember that.

19 Q Do you remember an employee handbook for
20 anyone other than theater employees?

21 A I don't remember. I just remember there
22 was an employee handbook.

23 Q Did the employee handbook that you recall
24 include any financial policies that we have
25 discussed today and review policies?

1 A I don't remember. I just remember there
2 was an employee handbook. I'm not sure of the
3 contents of it, but I do remember we had one.

4 Q And you think there is an employee
5 handbook for the general corporate office as opposed
6 to theaters and theater managers?

7 A Again, I don't recall who it related to,
8 the field or corporate. But I do remember there was
9 an employee handbook.

10 Q Would the accounting manual that you
11 discussed have been provided to anybody who was not
12 in accounting or the controller department?

13 A I don't remember who had it. I would
14 assume the controller's office had an accounting
15 manual.

16 Q But you did not?

17 A No, I didn't.

18 Q And Ms. Trawick would not have had that?

19 A I don't know. I wouldn't think she would.

20 Q Was it given out to employees outside of
21 the controller department?

22 A I don't know, but it probably would just
23 be related to the accounting department.

24 Q And when we are using the term accounting
25 and controller, are you using them interchangeably?

1 A I'm not sure.

2 Q Are you making a distinction between the
3 accounting department and the controller department?

4 A All the accountants report up to the
5 controller.

6 Q So no, you're referring to that as the
7 same department?

8 A Yes.

9 Q Were you asked to pull any documents or
10 have any of your staff pull any documents with
11 regard to any investigation of Ms. Trawick?

12 A I was not asked to pull any documents. I
13 don't know -- you know, the internal audit
14 department can ask anybody anything, but they didn't
15 ask me for any documents.

16 Q And you don't know if your department was
17 asked for anything?

18 A I don't know if my department was asked to
19 provide anything.

20 Q Would you have normally maintained any
21 such documents when they were a meeting about
22 expenses or charitable contributions, or would they
23 have been in the accounting department?

24 A I would not have kept them. As a normal
25 matter of course, somewhere in the accounting

1 department those things are coded to a line item, so
2 there would be some back-up in terms of, you know,
3 when bills are paid. Those are somewhere -- stored
4 somewhere. And then, David Passman's assistant --
5 and she was also my assistant, Lisa De La Cruz, kept
6 up with the disbursements of a fund that we -- I
7 think we called the benevolence fund or something
8 like that.

9 Q What was the benevolence fund for?

10 A Basically for charitable contributions and
11 community involvement, that type of stuff.

12 Q So if someone wanted to make a charitable
13 contribution or a donation to a community group,
14 they would go to Lisa De La Cruz?

15 A They would go to any executive.
16 Executives being direct reports to David Passman.
17 Those were myself, Fred Van Noy or Dan Ellis and --
18 or go to David and say, hey, I want you -- the
19 company to consider making a donation to this
20 particular group because of, you know, I'm involved,
21 or my spouse is involved, et cetera.

22 Q Would you go through Lisa De La Cruz to
23 get to David Passman to do that?

24 A I would not. I would go directly to
25 David.

1 Q Would other people go to Lisa De La Cruz?

2 A I don't know.

3 Q Well, you had to go through Lisa to make
4 an appointment to get to David, didn't you?

5 A We could make one with him directly. But,
6 it would not be unusual to go through Lisa to get an
7 appointment with David.

8 Q To make a contribution to either a charity
9 or a community group, wouldn't Lisa De La Cruz get
10 the paperwork or the request, and then pass it on to
11 David?

12 A I don't know specifically, but that -- I
13 don't know specifically.

14 Q When you say Lisa De La Cruz kept up with
15 disbursements, what did you mean by that?

16 A I believe she had a log of disbursements
17 that were made to these charities. And so, if a
18 request came in for XYZ charity, you could easily
19 reference it and see if we have already donated to
20 that company.

21 Q Are you limiting that list of
22 disbursements to charities or did that log also
23 include community groups?

24 A They were -- if memory serves, they were
25 nonprofits, traditional nonprofits, schools, those

1 types of donations. There were no political
2 donations. It was all those types of things. No
3 political action committees. They weren't
4 organizational duties, per se. It was things like
5 the symphony, the chamber, those types of things.

6 Q And you think those were in the same log?

7 A Yes.

8 Q Is it your understanding that that's a
9 handwritten log or an electronic log?

10 A I remember it -- I don't remember
11 specifically. But at one point, it may have been a
12 manual long. I don't know if it was ever converted
13 over to a spreadsheet.

14 Q Where do you recall seeing it?

15 A Lisa De La Cruz had it in her office.

16 Q And do you mean she had a paper file in
17 her desk that you saw?

18 A Yes.

19 Q Do you know where that document went?

20 A No.

21 Q Were there any written policies or
22 procedures as to requiring that there be a log of
23 these disbursements?

24 MR. GERAKITIS: Object to the form.

25 THE WITNESS: I think we kept -- well, we

1 a log or she kept a log so that we could keep
2 up with how much money was going out of the
3 fund and how much money was coming into the
4 fund.

5 BY MS. PREBULA:

6 Q Right. But was there any written or
7 verbal policy that she was required to keep that
8 log?

9 A I don't recall.

10 Q You did say you were familiar with the
11 Comdata system. And Comdata was used to track and
12 approve all credit card expenses, right?

13 A Yes.

14 Q And there were -- so all expense records
15 made by anyone would go through that system?

16 A That was the policy. All travel and
17 expense reimbursements were to go through that
18 system.

19 Q And someone would have to approve
20 everyone's expenses, correct?

21 A Within that system, you were required to
22 have an approver set up in the system.

23 Q And you had to have an approver in that
24 system, right?

25 A I did, yes.

1 Q Ms. Trawick had an approver in that
2 system, right?

3 A She would have had -- any employee,
4 including Ms. Trawick, would have to have somebody
5 approve those expenses in order for them to go
6 through that system.

7 Q Or they wouldn't be paid?

8 A Or they would not be paid. Well they were
9 already paid. But the way that system was set-up
10 was the payments would go out before -- you could
11 have somebody sit on an expense report for three
12 months, but the invoices would still get paid
13 because they all come through a centralize process
14 so we --

15 Q If they used the corporate credit card?

16 A Yes. So the corporate credit card bill
17 would be paid. It wouldn't be held up because
18 somebody was late approving expenses.

19 Q And if the expenses were not approved,
20 then they would not be paid or the company employee
21 would have to pay it back?

22 A The company employee would technically
23 have to pay it back if there was unapproved expenses
24 or expenses that shouldn't have been paid that were.
25 But, if they were approved, that wouldn't kick it --

1 if they were approved in the Comdata system, that
2 was our policy. I mean, that was -- the approval
3 was there. There would be no way to prevent the
4 money from being paid out to the vendor.

5 Q And who maintained the Comdata system?

6 A I don't remember.

7 Q Who set-up the approvals?

8 A I don't remember. Each department was
9 different, so when we set-up the system approvers
10 were determined and all that was, you know, approved
11 by the controller's office. And, I believe our
12 internal audit department also looked at who the
13 approvers were to make sure we didn't have -- we
14 always have to have segregation of duties that --
15 you know, you had -- the proper person was approving
16 those expenses.

17 Q So they know something about those
18 expenses?

19 A Yes.

20 Q Do you recall who Ms. Trawick's approver
21 was?

22 A I do not.

23 Q Would it have been her supervisor Mr. Van
24 Noy?

25 A I don't know who it was.

1 Q You were there when Terrell Mantent (sic)
2 was there, as well, right?

3 A Yes.

4 Q Do you know whether or not he was ever one
5 of her approvers?

6 A I don't.

7 Q You said you did not recall the Nexus
8 program. Do you recall software used to assign
9 invoices and company expenses to the departments?

10 MR. GERAKITIS: Object to the form.

11 THE WITNESS: I don't. I don't remember
12 that. I'm trying to remember what Nexus is. I
13 don't recall. I might if you give me something
14 else that might jog my memory.

15 BY MS. PREBULA:

16 Q Do you recall a separate software that
17 would assign the external invoices or expenses to
18 various departments?

19 A I don't.

20 Q Do you recall a system where invoices and
21 expenses had to go through that software in order
22 for accounts payable to pay those?

23 A I don't. But I do -- I believe, now that
24 you said accounts payable, I think Nexus may have
25 been our accounts payable system. But I'm not sure

1 how -- the mechanics of it worked.

2 Q Did you understand that someone had to
3 approve any expenses that went through that accounts
4 payable system?

5 A Yes. That would be standard practice. In
6 order for an invoice to be paid, it would have to be
7 approved by the appropriate party.

8 Q And when donations or sponsorships were
9 made to these community groups, would those go
10 through the accounts payable system or the Comdata
11 system?

12 A I believe they -- I think there was -- let
13 me pause and think about that. I don't believe they
14 would go through the Comdata system because that was
15 personal expenses -- expense reports. I think
16 traditionally it would go through accounts payable.

17 Q And each of those expenses or invoices,
18 including the donations, or sponsorships, or
19 charitable contributions, had to be approved by
20 someone before they were paid by accounts payable?

21 A Any expense out of AP had to be approved
22 by somebody. And I don't remember if the
23 benevolence fund ran through AP or not. I believe
24 it did, but I'm not sure.

25 Q If they wrote a check, it would go through

1 AP, wouldn't it?

2 MR. GERAKITIS: Object to the form.

3 THE WITNESS: I don't remember
4 specifically. At some point in time, the
5 benevolence fund may have had an old fashioned
6 checkbook and we may have transitioned it on to
7 the automated accounts payable system at some
8 point over my 10 years there, or 11 years
9 there.

10 BY MS. PREBULA:

11 Q And that would have been your
12 recommendation to put it on an automated system
13 where approvals were recorded in the system?

14 A It would have been -- it's always a
15 good -- well, let me rephrase that. I don't know if
16 it was my specific recommendation. But it's always
17 better to automate systems and have those types of
18 processes in place versus a manual one.

19 Q Other than the document that you referred
20 to as the internal audit report and Jim Lucas's
21 deposition, did you review any other documents in
22 preparation for the deposition today?

23 A No.

24 Q Did you review the complaint in this case?

25 A No.

1 Q How did you come to select Jim Lucas's
2 deposition to read?

3 A I just needed a fresher on how depositions
4 work and what to expect.

5 Q Have you had your deposition taken before?

6 A I've had my deposition taken before, yes.

7 Q When?

8 A I don't recall the specific date, but it
9 was four -- three or four years ago.

10 Q In what matter?

11 A It was a personal matter between David
12 Passman and his now ex-wife.

13 Q So you were deposed in the divorce case?

14 A Yes.

15 Q Why?

16 A I do not know.

17 Q Did you receive any questions in that
18 deposition with regard to Ms. Trawick?

19 A No.

20 Q Did you answer any questions in that
21 deposition with regard to Carmike's internal
22 operating procedures?

23 A I don't remember.

24 Q Did you answer any questions in that case
25 with regard to Mr. Passman's behavior toward female

1 employees?

2 A I don't remember.

3 Q Do you think that was about 2014?

4 A Let's see --

5 Q It 2018, but I think you said three or so
6 years ago so.

7 A It was within two or three years of my
8 leaving Carmike, so in that time period.

9 Q So not two or three years from today?

10 A No, no. It would be from 2016.

11 Q So some time between 2013 and 2016?

12 A Uh-huh.

13 Q I'm sorry, was that a yes?

14 A Yes, yes.

15 Q Who took your deposition?

16 A I don't remember.

17 Q His then wife's lawyer?

18 A Yes.

19 Q Other than that, have you given any
20 deposition before?

21 A No.

22 Q Did you speak with anyone who had been at
23 Carmike with regard to this case since you left
24 Carmike?

25 A No.

1 Q Have you talked with Mr. Lucas about this
2 case?

3 A No.

4 Q Have you talked to Mr. Passman about this
5 case?

6 A No.

7 Q Is there any reason why you did not go to
8 AMC when the sale went through?

9 A Yes.

10 Q What is that?

11 A They already have a CFO.

12 MS. PREBULA: Let's take a short break.

13 (WHEREUPON, A SHORT BREAK WAS
14 HAD IN THE DEPOSITION.)

15 BY MS. PREBULA:

16 Q Mr. Hare, when you reviewed parts of Mr.
17 Lucas's deposition, what parts did you review?

18 A I just scanned it. I don't remember
19 specific parts.

20 Q What does that mean?

21 A I scanned the document to get a gist of
22 how depositions work, what types of -- how to answer
23 questions, how questions are asked, the decorum and
24 process of a deposition.

25 Q Has that influenced your responses here

1 today?

2 A No.

3 Q Have you made any effort to make your
4 testimony consistent with that of Mr. Lucas?

5 A No.

6 Q Did you review the EEOC charge in this
7 case?

8 A No.

9 Q When Ms. Trawick filed her EEOC charge,
10 were you notified that she had filed a charge?

11 A I don't remember.

12 Q As you sit here today, you don't remember
13 hearing that Ms. Trawick filed a charge of
14 discrimination with the EEOC?

15 A I don't.

16 Q So when she filed the charge of
17 discrimination, did you get any directive or request
18 to preserve any documents?

19 A I don't recall.

20 Q Did you reserve any documents back in
21 2015?

22 A I don't recall.

23 Q While you were at Carmike, did Carmike
24 have a policy that in order to be a director that
25 one had to have a bachelor's degree?

1 A I don't remember any policy like that.

2 Q Were there, in fact, directors at Carmike
3 who did not have bachelor's degrees while you were
4 there?

5 A I'm not sure what you mean when you
6 reference the term director.

7 Q The title of director at Carmike:
8 Director of marketing, director of advertising,
9 director of accounting, that specific position.

10 A There were many people that had degrees
11 and many people who didn't have degrees that worked
12 at Carmike that I remember were directors.

13 Q So that's a --

14 A Or both, actually.

15 Q So that's a yes?

16 A Yes.

17 Q And tell me who you recall were directors
18 or above who did not have a bachelor's degree?

19 A Shannon Sailors, John Lundin, Fred Van
20 Noy.

21 Q Anyone else?

22 A I'm not sure if Patty Gattis a director,
23 but she didn't have a degree. I don't believe Tara
24 Hardwick had one either.

25 Q Did you have any conversation with Mr.

1 Passman with regard to him telling Ms. Trawick that
2 in order for her to be promoted to director she had
3 to complete her bachelor's degree?

4 A I don't recall having a conversation of
5 that nature.

6 Q And you don't recall that policy either,
7 correct?

8 A I do not recall that policy.

9 Q And there was certainly no such written
10 policy?

11 A I'm not aware of any written policy that
12 indicated that.

13 Q And you know Tara Hardwick was a director?

14 A I don't know if she was or wasn't. She
15 reported to Fred, so I didn't -- I don't know what
16 her specific title was.

17 Q After Ms. Hardwick left, were there any
18 female directors reporting to Fred Van Noy?

19 A I don't remember. I don't remember his
20 specific organization chart or people that worked
21 for him.

22 Q Was there anyone who maintained an
23 organization chart?

24 A I don't remember. I don't recall if --
25 that's traditionally, you know, an HR function,

1 human resource function.

2 Q Because of the background noise, let me
3 know if you can't hear me. We'll try to speak up.

4 A Okay.

5 Q And you do not know whether Patty Gattis
6 was a director or not?

7 A I don't know if she was a director or not,
8 I don't. I don't remember.

9 Q If I tell you that we have seen no
10 document that shows that she was ever a director,
11 does that refresh your recollection at all?

12 A No. I mean --

13 Q Were you asked to investigate Thad Morton
14 while you were at Carmike?

15 A No.

16 Q Were you involved in any investigation or
17 review of Mr. Morton's expenses or funds?

18 A No.

19 Q Were you aware of that as part of the
20 executive committee?

21 A I do remember there was some sort of
22 investigation on it, but I don't recall the
23 specifics.

24 Q And Mr. Morton was a division manager,
25 correct?

1 A I don't remember what he was. I remember
2 he was in operations. That's the extent of my
3 recollection. He worked in Fred's organization. He
4 may have been one or two people removed from Fred,
5 but I don't remember specifics.

6 Q Okay. Since there are two Freds, which
7 Fred?

8 A Fred Van Noy.

9 Q You are aware that there was an
10 investigation of Mr. Morton, right?

11 A I do remember there was some sort of
12 investigation or inquiry regarding his expenses.

13 Q And Mr. Morton was allowed to respond to
14 that investigation, was he not?

15 MR. GERAKITIS: Object to the form.

16 THE WITNESS: I do not know if he was or
17 was not. I was not a part of that.

18 BY MS. PREBULA:

19 Q Was he terminated?

20 A I do not -- I don't recall specifically.
21 But I don't -- I believe he was employed with the
22 company when we were sold to AMC.

23 Q And so, you believe he was not terminated
24 as a result of the investigation of his expenses?

25 A That's correct.

1 Q Was this termination or proposed
2 termination discussed in the executive committee
3 meeting?

4 MR. GERAKITIS: Object to the form.

5 THE WITNESS: I don't recall the specifics
6 of what was said about him and his
7 investigation at our executive meeting.

8 BY MS. PREBULA:

9 Q Did you make any recommendation as to
10 whether or not he should be terminated?

11 A I don't recall the conversations about him
12 and that meeting.

13 Q Do you recall when this occurred?

14 A I do not recall when that occurred.

15 Q But it was certainly before Ms. Trawick
16 was terminated, right?

17 A I don't know that. I don't know if it was
18 before or after.

19 Q Were you asked to participate in any
20 investigation of Shannon Sailors?

21 A No.

22 Q At the time that you received the internal
23 audit report with regard to Ms. Trawick's expenses,
24 did you receive a similar report from Mr. Sailors?

25 A I did not receive a report from the

1 internal audit department on Mr. Sailors.

2 Q Did you receive an internal audit report
3 on Mr. Van Noy?

4 A I did not receive a report from the
5 internal audit department on Mr. Van Noy.

6 Q Is it your understanding that both of
7 those individuals approved various expenses that Ms.
8 Trawick submitted?

9 A My understanding is that her expenses were
10 approved by either Shannon Sailors or Fred Van Noy.

11 Q And were either of those individuals
12 terminated as a result of that investigation?

13 A No.

14 Q Have you been asked to participate in any
15 investigation of expenses or credit card usage other
16 than the ones we have just mentioned?

17 A I have not been asked to be a part of any
18 investigation, including the ones you have just
19 mentioned.

20 Q Have you been asked to review any such
21 investigation for anyone other than Ms. Trawick?

22 MR. GERAKITIS: Object to the form.

23 THE WITNESS: Can you repeat the question?

24 BY MS. PREBULA:

25 Q Have you been asked to review the results

1 of such investigation for anyone other than Ms.
2 Trawick?

3 A Over the years at Carmike, I have read
4 multiple internal reports and I can't remember
5 specifics on all the ones that I have read over the
6 years.

7 Q In any of those internal audit reports,
8 has every employee been given the opportunity to
9 respond to the charges other than Ms. Trawick?

10 A I don't -- I can't -- can you repeat that
11 again?

12 Q Has every employee, where you have read
13 internal audit reports, other than Ms. Trawick,
14 given an opportunity to respond to the charges?

15 MR. GERAKITIS: Object to the form.

16 THE WITNESS: I'm not sure I can answer
17 that. There are lots of internal audit reports
18 and they cover a wide range of issues,
19 including account balances. You know, they're
20 not all regarding personal expense reports.

21 BY MS. PREBULA:

22 Q So with regard to any internal audit
23 reports concerning personal expense reports, has
24 every employee except Ms. Trawick been given the
25 opportunity to respond?

1 MR. GERAKITIS: Object to the form.

2 THE WITNESS: I don't know.

3 BY MS. PREBULA:

4 Q Other than the executive committee and the
5 one conversation you talked about earlier when Mr.
6 Van Noy told you he was going to do an
7 investigation, have you discussed the investigation
8 into Ms. Trawick's expense reports with anyone else?

9 MR. GERAKITIS: Object to the form.

10 THE WITNESS: Did you mention Fred Van Noy
11 then? Repeat your question.

12 BY MS. PREBULA:

13 Q I did. You're right. It was Fred Friedl,
14 wasn't it?

15 A Yes. Can you just go back?

16 Q Absolutely. Other than the conversation
17 where Fred Friedl and the executive committee, have
18 you discussed the investigation into Ms. Trawick
19 with anyone else?

20 A No.

21 Q Did you discuss it with Mr. Friedl on more
22 than one occasion?

23 A I don't remember specific conversations
24 with Fred Friedl.

25 Q When this investigation occurred into Ms.

1 Trawick, did you receive an internal audit report on
2 Crystal De La Cruz?

3 A I don't recall seeing any reports from
4 Fred Friedl's office on Lisa De La Cruz.

5 Q You know, I apologize. I know a Crystal
6 De La Cruz and I said that every time. I meant Lisa
7 De La Cruz. Do you understand that?

8 A Yes.

9 Q Were you asked to review any investigation
10 or any expenses of Ms. De La Cruz?

11 A No.

12 Q Were you ever told the specific
13 allegations made to or about Ms. Trawick?

14 A Yes.

15 Q What were you told?

16 A I was told that Fred Van Noy -- well, let
17 me back up. Can you repeat the question?

18 Q Were you told the specific allegations
19 made against Ms. Trawick with regard to her expense
20 reports?

21 A I don't believe there were specific
22 allegations made to Ms. Trawick. There was an audit
23 report that indicated further review and
24 clarification was required on certain expenses and
25 they needed to be looked at.

1 Q And did that further review ever occur?

2 A I don't remember.

3 Q You didn't do it?

4 A I did not. I certainly -- well, let me
5 rephrase. No, I did not.

6 Q And you were not involved in providing her
7 any documents or discussing it with her on any
8 occasion?

9 A The internal audit report was issued.
10 Further investigation was warranted. Based on my
11 discussions with Fred Van Noy, he instructed her to
12 not discuss it with anyone. She breached that
13 agreement with him and the decision was made to
14 terminate her.

15 Q And you are relying on Mr. Van Noy for
16 having said that?

17 A Yes.

18 Q You didn't hear that?

19 A I did not hear the directly.

20 Q And you don't know what words were used or
21 what she understood?

22 A That's correct.

23 Q And as I understood you, you did not make
24 any recommendation one way or the other as to
25 whether she should be terminated?

1 A I agreed with the executive team. It was
2 that -- based on the facts and circumstances, she
3 should be terminated.

4 Q Based upon what Mr. Van Noy said?

5 A Yes.

6 Q But you didn't talk to Ms. Trawick?

7 A I did not.

8 Q And you didn't give her a chance to
9 explain?

10 MR. GERAKITIS: Object to the form.

11 THE WITNESS: Ms. Trawick worked for Mr.
12 Van Noy.

13 BY MS. PREBULA:

14 Q I understand that. But you didn't talk to
15 her and you didn't give her a chance to explain, did
16 you?

17 MR. GERAKITIS: Object to the form.

18 THE WITNESS: What's the question?

19 BY MS. PREBULA:

20 Q You did not talk to Ms. Trawick and give
21 her a chance to explain --

22 MR. GERAKITIS: Objection. Go ahead.

23 BY MS. PREBULA:

24 Q -- what she understood or what
25 instructions she understood she had received?

1 MR. GERAKITIS: Object to the form.

2 THE WITNESS: I did not speak to Mrs.

3 Trawick before or after her termination.

4 BY MS. PREBULA:

5 Q And you relied solely on Mr. Van Noy?

6 MR. GERAKITIS: Object to the form.

7 THE WITNESS: I relied totally on Mr. Van
8 Noy for what? I don't understand the question.

9 BY MS. PREBULA:

10 Q For saying that he had instructed her not
11 to discuss the investigation and that she had done
12 so?

13 A Yes. I relied on Mr. Van Noy. I worked
14 with him for many years and never doubted his word.

15 Q And when you were asked in the executive
16 committee to agree with her termination, no one
17 discussed with you any claims of discrimination,
18 right?

19 A I don't recall any -- I don't recall
20 claims of discrimination.

21 Q Mr. Passman didn't tell you that?

22 A Is the question did Mr. Passman --

23 Q Mr. Passman didn't tell you that she had
24 made claims of discrimination to him, correct?

25 MR. GERAKITIS: Object to the form.

1 THE WITNESS: I don't recall Mr. Passman
2 indicating to me that she had made any
3 representations of discrimination. I don't
4 remember that.

5 BY MS. PREBULA:

6 Q Did you ever see the report that Sadie
7 Marshall prepared with regard to women promotions
8 and salaries at Carmike?

9 MR. GERAKITIS: Object to the form.

10 THE WITNESS: I don't recall seeing any
11 report from Sadie regarding that matter.

12 BY MS. PREBULA:

13 Q Did the executive committee request that
14 Ms. Marshall prepare such a report?

15 MR. GERAKITIS: Object to the form.

16 THE WITNESS: I don't recall the executive
17 team requesting that report from -- or a report
18 of that type from Sadie.

19 BY MS. PREBULA:

20 Q Did Ms. Marshal prepare such a report and
21 asked to discuss it with the executive committee
22 team?

23 MR. GERAKITIS: Object to the form.

24 THE WITNESS: I don't recall Sadie making
25 that type of request.

1 BY MS. PREBULA:

2 Q I asked you if you had received a report
3 on Ms. De La Cruz. She was not terminated, was she?

4 A Ms. De La Cruz was not -- was with the
5 company until it was sold by AMC.

6 MR. GERAKITIS: Sold by or sold to?

7 THE WITNESS: Yes. Ms. De La Cruz was
8 with the company until such time it was sold to
9 AMC.

10 BY MS. PREBULA:

11 Q I understood the response.

12 A Yes.

13 Q Was there a payroll schedule for each
14 position at Carmike corporate?

15 A I don't remember there being a payroll
16 schedule for each specific person or position at
17 Carmike.

18 Q Was there a range of pay for each level of
19 position at Carmike?

20 A I don't -- I don't recall having -- I
21 don't recall that being the case.

22 Q Did you have to sign-off on any pay raises
23 or bonuses?

24 A I had to sign-off on pay raises and
25 bonuses for people within my -- that reported to me

1 or indirectly to me.

2 Q And for Ms. Trawick, you had no such
3 responsibility?

4 A No.

5 Q That would have been Mr. Van Noy?

6 A Yes.

7 Q And then ultimately Mr. Passman?

8 A Mr. Van Noy would make recommendations.
9 They would be accumulated and our controller would
10 accumulate all the bonus information. And then, he
11 and I would sit down with Mr. Passman and review it.

12 Q And would Mr. Passman ultimately make the
13 decision as to what was approved and what wasn't?

14 A For some level employees, yes. For
15 others, it went to the compensation committee of the
16 board of directors.

17 Q For Ms. Trawick, would that be made by Mr.
18 Passman?

19 A That decision would be made by --
20 ultimately by Mr. Van Noy and Mr. Passman would have
21 to approve it.

22 Q So Mr. Van Noy would make the
23 recommendation and Mr. Passman would have to approve
24 bonuses or salary increases for Ms. Trawick?

25 A Yes.

1 Q Would that also be true for Mr. Sailors?

2 A Yes.

3 Q That Mr. Van Noy would make the
4 recommendation and Mr. Passman would have to approve
5 it?

6 A Yes.

7 Q I think you said Shannon Sellers. You
8 meant Shannon Sailors, right?

9 A Yes.

10 Q Would it also be true that Mr. Passman
11 would have to approve bonuses or pay increases for
12 Mr. Van Noy or would that go to the compensation
13 committee?

14 A The company engaged a compensation
15 consultant which helped us determine what
16 recommendations to make to the audit committee for
17 the compensation structure for the executive team.
18 And with that consultation, we would present it to
19 the compensation committee for their review and
20 comments.

21 Q I think in your response you said for the
22 audit committee. You meant the compensation
23 committee?

24 A For compensation matters, it would be the
25 compensation committee.

1 Q And who did the consultant review; what
2 level? You said executive team. Is that just the
3 ones you have named earlier?

4 A Yes. It would be the individuals included
5 in the company's proxy statement. So it would be
6 the top five salaried individuals at Carmike.

7 Q And were they all vice-president or above?

8 A Yes.

9 Q Were there any women in that group?

10 A No.

11 Q And there were never any women in that
12 group the entire time you were at Carmike; is that
13 correct?

14 A That is correct.

15 Q Were you on the executive committee when
16 the decision was made not to promote Ms. Marshall to
17 vice-president?

18 MR. GERAKITIS: Object to the form.

19 THE WITNESS: I don't recall those
20 conversations.

21 BY MS. PREBULA:

22 Q Okay.

23 A Or that conversation.

24 Q You do know that Ms. Marshall was passed
25 over and an outside male was hired as vice-president

1 of human resources, right?

2 MR. GERAKITIS: Object to the form.

3 THE WITNESS: I do recall another
4 individual coming into the company. I believe
5 he may have been a vice-president. I can't
6 recall his name.

7 BY MS. PREBULA:

8 Q Of human resources?

9 A Yes.

10 Q And he was brought in over Ms. Marshall?

11 A That's correct.

12 Q When the executive committee was taking
13 the input from Mr. Van Noy with regard to whether or
14 not to terminate Ms. Trawick, was human resources
15 brought in?

16 A Dan Ellis was over human resources, so
17 effectively HR was represented in that decision.

18 Q Your general counsel is who you're
19 referring to, Dan Ellis?

20 A That's correct.

21 Q Was Ms. Marshall brought in on that
22 decision?

23 A I don't know.

24 Q Did you have any conversations with her?

25 A With Ms. Marshall?

1 Q Correct.

2 A I don't recall any.

3 Q Was there any report received from human
4 resources with the executive committee with regard
5 to whether or not to terminate Ms. Trawick?

6 A I don't recall any.

7 Q And you didn't talk with Ms. Marshall
8 personally about this termination of Ms. Trawick,
9 did you?

10 A I don't recall speaking with her.

11 Q When you use the term you don't recall,
12 does that mean you don't think you did or you just
13 don't remember one way or the other?

14 A I don't think I did.

15 Q When you were referring to the audit
16 department, is that the same department as the
17 compliance department?

18 A It is.

19 Q Do you know what the official name of that
20 department is?

21 A I don't know the official name. It was
22 referred to as the compliance department and the
23 internal audit department.

24 Q And that was Mr. Friedl?

25 A Yes.

1 Q Who maintained records for that
2 department?

3 A Mr. Friedl would be the person that would
4 maintain any records regarding internal audit
5 matters.

6 Q Do you know where those were maintained?

7 A No.

8 Q Do you know if they were computerized?

9 A I don't know.

10 Q When you saved documents to "my
11 documents", did you have a separate file or folder
12 for your documents?

13 A I don't know. I just saved things in "my
14 documents".

15 Q Did you have a system where you could pull
16 up other people's documents that were saved to that
17 server?

18 A I don't know if there was a way to do
19 that.

20 Q You never did that?

21 A No.

22 (PLAINTIFF'S EXHIBIT 37 WAS
23 IDENTIFIED.)

24 BY MS. PREBULA:

25 Q Let me show you what's previously been

1 marked as Plaintiff's Exhibit 37. Take a look at
2 that document.

3 Have you seen this document before?

4 A I have.

5 Q When you referred to an employee manual,
6 is this the document to which you were referring?

7 A No.

8 Q Okay. You believe there is a separate
9 employee manual for corporate employees of Carmike
10 when you were there?

11 A I believe there was an employee manual.
12 I'm not sure if it was for corporate employees or
13 for the field. But I do remember a manual.

14 Q Did you review this document while you
15 were an employee?

16 MR. GERAKITIS: Referring to 37?

17 MS. PREBULA: The only one he has in front
18 of him, yes.

19 THE WITNESS: Did I review this?

20 BY MS. PREBULA:

21 Q Yes.

22 A Yes, I believe I reviewed it as a matter
23 of course. I think we had to look at it annually
24 and sign it and send it back to HR. I also believe
25 it may have been on our website, too. I think it

1 may be a public document, as well.

2 Q What do you mean a public document,
3 because it's on the website?

4 A Because it -- yes. And it may have been
5 filed with the SEC at some point as it is a code of
6 conduct for officers, directors and employees, which
7 is very important for corporate governance matters.

8 Q And you believe that you reviewed and
9 signed this every year?

10 A I believe that it was done on an annual
11 basis and that -- I'm not sure if all employees had
12 to sign it or just executive officers. But I
13 remember signing this annually.

14 Q Well, the front page says code of conduct
15 for officers, directors and employees, right?

16 A Indeed it does.

17 Q And then if you look on page two, Roman
18 numeral two, it says that this applies to all
19 employees and members of the board of directors of
20 Carmike Cinemas. Do you see that?

21 A Roman numeral two?

22 Q Yes.

23 A Okay.

24 Q Okay.

25 A Yes, I see it.

1 Q Having reviewed that, is it your
2 understanding this applied to every one?

3 A Well, you're asking me two things. A,
4 this document does apply to the people specified in
5 that paragraph under Roman numeral two. But I don't
6 know if our HR department required just officers, or
7 me to sign this, or if everybody had to sign it
8 every year. I can't speak to their enforcement of
9 the policy.

10 Q Okay. You understood it was a policy and
11 it actually appears in Roman numeral 2-A-2 if you
12 want to review that?

13 A Yes.

14 Q So does that refresh your recollection
15 that managers, level employees and above had to sign
16 this every year?

17 MR. GERAKITIS: Object to the form.

18 THE WITNESS: I don't know if -- the
19 policy indicates they are to do that every
20 year. I don't know if that was indeed the
21 case.

22 BY MS. PREBULA:

23 Q You just know you did it sometimes?

24 A I know I did it.

25 Q Okay. Was this policy ever updated

1 through the website?

2 A I don't know.

3 Q Are you aware of any other version of this
4 codes of conduct, other than what you see as
5 Plaintiff's Exhibit 37?

6 A I am not aware of any, other than what I'm
7 seeing in front of me.

8 Q If you would look at page three. I'm
9 looking at item C-1. It says it applies to
10 managers, directors, vice-presidents and senior
11 vice-presidents. It says that you should insure
12 that subordinates understand the code, know they
13 must comply with the code and take prompt action to
14 correct any code violation. Do you see that?

15 A Yes.

16 Q Was that your understanding at the time
17 when you were employed at Carmike?

18 A Yes.

19 Q Did anyone at Carmike ever have any
20 sessions with any employee to explain this code, to
21 your knowledge?

22 A I believe, on an annual basis, this was
23 sent out. I know I got it. So, it was sent out and
24 each department head or manager would make sure that
25 employees got this, understood it and signed it and

1 sent it back.

2 Q Are you saying that actually occurred or
3 that's what should have occurred?

4 A I'm saying that's what I assume occurred.

5 Q Did you ever do that?

6 A I did with my staff. I made sure that
7 they understood it.

8 Q Did you actually have a session with your
9 staff where you went over the code of conduct?

10 A I would have sessions -- I would have
11 staff meetings, periodic staff meetings, and if this
12 was coming around the corner I would say, don't
13 forget about the code of conduct.

14 Q Did you actually go over the contents of
15 the code of conduct with your staff?

16 A I don't remember.

17 Q If you would -- I know you looked through
18 it briefly. Other than this document, which does
19 not appear, and correct me if I'm wrong, to contain
20 a harassment or discrimination policy -- well, let's
21 just answer that question. Does this document
22 contain a harassment or discrimination policy?

23 MR. GERAKITIS: Object to the form.

24 THE WITNESS: I don't know. I just
25 scanned it. I mean, I can read it.

1 BY MS. PREBULA:

2 Q I will submit to do you it doesn't it. I
3 have not seen it anywhere.

4 Are you aware whether or not Carmike had a
5 harassmt or discrimination policy?

6 MR. GERAKITIS: Object to the form.

7 THE WITNESS: I don't recall if we had a
8 written policy regarding what you just
9 described.

10 BY MS. PREBULA:

11 Q Meaning you just don't recall one way or
12 the other, or you don't recall it existing?

13 A I don't recall it one way or the other if
14 there was a written policy on sexual harassmt. I
15 do recall there was heightened awareness of it and
16 there was training in the field. I remember we had
17 a hotline number that we advertised a lot in break
18 rooms, even on paystubs, about if you see anything
19 regarding multiple types of issues, theft,
20 harassmt, XYZ, here is the hotline, report it.

21 Q Do you know where that was written?

22 A The hotline number?

23 Q No. You said you had a policy and it was
24 written if you see theft, harassmt, XYZ.

25 A Yes. I remember it being on paystubs.

1 Sometimes it'd be on your paystub. Sometimes I
2 remember it in the break room. I remember we talked
3 about it at our audit committee meetings because all
4 of the -- that hotline number was for anything
5 that -- you could report anything on the hotline
6 number. So, we had a firm that would take the
7 hotline calls, would put out a report of what the
8 information was, what's being reported. It went to
9 HR, and our general counsel saw it and our audit
10 committee chairman saw it, too. So, there was full
11 transparency on anything reported.

12 Q When was -- the hotline reports, were they
13 in writing?

14 A Yes.

15 Q And they were sent to the executive
16 committee?

17 A They were not sent to the executive
18 committee. They were sent to HR's office, primarily
19 our general counsel, and it was sent -- my
20 understanding, it was also sent to our audit
21 committee chair person who was on our board of
22 directors. So you had everything reported from, you
23 know, my paycheck is short five bucks to, you know,
24 any type of claim. That was the reporting mechanism
25 that we had within the company. I felt like we

1 really pushed it. I know our HR team did.

2 Q You said there was training for the
3 fields. When you mean in the field, you're talking
4 about theater managers and theater staff?

5 A I do remember -- yes, I remember that, and
6 I think we had it at the corporate office, too. And
7 I can't remember the law firm we hired, but we
8 brought in a firm and they would show, you know,
9 sexual harassment, what is it, what does it look
10 like. It would be a video that would go through
11 role playing and show people what is appropriate,
12 what is not appropriate, those type of things.

13 Q Do you remember when this occurred?

14 A I don't remember specifically.

15 Q Were Mr. Van Noy and Mr. Passman in those
16 video training sessions?

17 A I don't recall.

18 Q Now, you said it was in the break room.
19 Where was that?

20 A The break room was on the second or -- let
21 me think. I was on the fourth floor. It was on the
22 third floor in the corporate office.

23 Q And what was that? You said it was
24 posted. What was that?

25 A Well, there is a bulletin board in the

1 break room that would have all your postings like
2 that. It would have minimal wage postings, your
3 government-type postings. Minimum wage, you know,
4 all that type of stuff. It'd have everything from
5 that to anything the employees were promoting, you
6 know, charitable events, et cetera.

7 Q What did it say?

8 A You know, I don't remember specifically,
9 but it would say something along the lines of,
10 please report any issues to our hotline. Then it
11 would have a hotline number. It's like a 1-800
12 number. You would see that. We would go out in the
13 field and we would see -- you know, that was one of
14 the things you would see out in the field, too. We
15 visited theaters a lot.

16 Q How often did you get these hotline
17 reports?

18 A I didn't get them. Our general counsel
19 got them and our audit committee chairman got them.
20 I would get a report of them on a quarterly basis at
21 our audit committee meetings. It would be reported
22 to the audit committee.

23 Q So you got them -- you were on the audit
24 committee?

25 A I presented to the audit committee as the

1 CFO, so I was at the meetings.

2 Q You would see them quarterly?

3 A Quarterly or I would hear -- get a verbal
4 report on them quarterly.

5 Q And do you know how often they went to HR
6 or the audit committee?

7 A Audit committee, I think it was a
8 quarterly basis. You know, to HR, I believe it was
9 a monthly basis.

10 Q Who maintained the copies of those
11 reports?

12 A I believe it was our general counsel's
13 office.

14 Q Would human resources also have copies?

15 A I don't know specifically. I would
16 presume so.

17 Q Okay. When you say that you had an
18 employee handbook, can you tell me what its title
19 was? We have seen one related to theater employees.
20 Can you tell me what you say the employee handbook
21 is?

22 A I just remember it being an older handbook
23 that had been accumulated over the years. I'm not
24 sure if it had been updated. But I just remember
25 there being one and I don't recall if it was

1 specifically to employees in the field or to the
2 office but.

3 Q I gather you didn't keep a copy of it?

4 A No.

5 MS. PREBULA: I think now is a good time
6 to take a quick lunch break.

7 (WHEREUPON, A SHORT LUNCH BREAK WAS
8 TAKEN IN THE DEPOSITION.)

9 BY MS. PREBULA:

10 Q Mr. Hare, before we broke you were telling
11 me that you had a training for harassment
12 discrimination. Were there written materials for
13 that in addition to the video?

14 A I believe there was.

15 Q Who arranged that?

16 A Our HR department arranged it and they
17 had -- I can't remember the law firm. They had an
18 outside law firm that came in and did all that.

19 Q When is the last time you remember that
20 training occurring?

21 A I don't remember the last time. I can't
22 recall specifics.

23 Q How much before you left?

24 A I don't remember.

25 Here is one thing I do remember. I think

1 they updated the videos. I do remember that so.

2 Q Were all corporate office employees in
3 that meeting?

4 A I don't remember.

5 Q You also said that there was an 800
6 number. Is it your understanding that that's the
7 only way that an employee could report
8 discrimination or harassment?

9 A No. That was a way.

10 Q What were the other ways?

11 A Report to your supervisor, or anybody for
12 that matter.

13 Q And once those reports were made to a
14 supervisor, did a supervisor have a duty to
15 investigate it?

16 MR. GERAKITIS: Object to form.

17 THE WITNESS: I don't know. I'm not a
18 lawyer.

19 BY MS. PREBULA:

20 Q Well, I'm not asking you for a legal
21 opinion.

22 But let me direct your attention to page
23 18 of your code of conduct, which is Plaintiff's
24 Exhibit 37.

25 A Okay.

1 Q I'm looking at paragraph C. Obligation to
2 act?

3 MR. GERAKITIS: Page 18?

4 MS. PREBULA: Yes.

5 THE WITNESS: Okay.

6 BY MS. PREBULA:

7 Q The first section requires you to bring
8 any potential conflict of interest, business ethic
9 questions or concerns, to the attention of your
10 supervisor, the business compliance officer. Do you
11 see that?

12 A Yes.

13 Q If you look at the bold in the center of
14 the page it says, if you suspect or discover illegal
15 or unethical behavior at Carmike Cinemas, including
16 violations of laws, rules, regulations or this code,
17 you must notify management immediately. Do you see
18 that?

19 A I do.

20 Q So having seen that, if harassment or
21 discrimination was reported to a supervisor, did
22 they have a duty to notify management?

23 A They are required under this policy to act
24 and to report it by one of these methods listed on
25 page 18 of this policy.

1 Q And it goes further in the last paragraph
2 on the page, third sentence. In addition reports
3 can be made to the business ethics committee
4 regarding laws and regulations, fair dealing with
5 people outside the company, conflicts of interest,
6 use of company information and resources, equal
7 employment opportunity, health and safety,
8 accounting, auditing or financial reporting or any
9 other ethics or compliance issue, correct?

10 A You lost me.

11 Q Last paragraph.

12 A Page 18?

13 Q Third sentence.

14 A Okay. Third sentence.

15 Q Yes. In addition?

16 A Okay. That's -- I was looking at line --
17 addition to -- okay. I read it.

18 Q So once any supervisor, or vice-president,
19 or director, or anyone had any knowledge of unequal
20 pay, they had a duty to report it, right?

21 MR. GERAKITIS: Object to the form.

22 THE WITNESS: I don't know about unequal
23 pay, but it looks like if there is --

24 BY MS. PREBULA:

25 Q You're aware there is an equal pay act in

1 this country?

2 A Let me reread the sentence.

3 Q Sure. Take your time.

4 A Repeat the question.

5 Q Once a supervisor or above became aware of
6 a violation of unequal pay, they had a duty to
7 report it?

8 MR. GERAKITIS: Object to form.

9 THE WITNESS: If a situation presented
10 itself where they felt like laws and
11 regulations were being broken, fair dealings
12 with people outside the company, if there was a
13 conflict of interest or use of company
14 information resources, equal opportunity
15 employment, health and safety, accounting,
16 auditing, financial or other ethics or
17 compliance issues, then they had a duty to
18 report it.

19 BY MS. PREBULA:

20 Q So if a supervisor became aware of
21 discrimination or harassment, they had a duty to
22 report it?

23 MR. GERAKITIS: Object to the form.

24 THE WITNESS: I don't know if the two
25 things you just mentioned fall into this

1 category or not. I'm not a lawyer.

2 BY MS. PREBULA:

3 Q Your training didn't show you that
4 harassmt and discrimination are covered under the
5 equal employment opportunity?

6 MR. GERAKITIS: Object to the form.

7 BY MS. PREBULA:

8 Q He can answer. It either did or didn't.

9 A I don't understand the question.

10 Q When you received the EEO training through
11 the firm and the videos, did they discuss that
12 harassmt and discrimination were enforced by the
13 equal employment opportunity commission?

14 A I don't remember what was -- I don't
15 remember what they went over.

16 Q Was it your understanding while you were
17 an officer at Carmike that if you became aware of
18 discrimination or harassmt you had a duty to
19 report it?

20 MR. GERAKITIS: Object to the form.

21 THE WITNESS: Yes.

22 BY MS. PREBULA:

23 Q Is it further your understanding that the
24 company had a no retaliation policy, right?

25 A Yes.

1 Q If you look at D, which is on page 19, it
2 says Carmike Cinemas will take appropriate action
3 against any director or employee whose actions are
4 found to violate the policies set fourth in our code
5 or any other policies of the company. Do you see
6 that?

7 A I do.

8 Q To your knowledge, while you were at
9 Carmike, was any director or above disciplined for
10 violation of any policy?

11 A I don't remember.

12 Q When you read that sentence it says, set
13 forth in our code, which is Plaintiff's Exhibit 37,
14 and any other policies of the company. What did
15 understand that referred to? That's a bad question.

16 A I'm sorry. Can you reference what you're
17 talking about?

18 Q Look at the first sentence under D.

19 A Okay.

20 Q What are the any other policies of the
21 company?

22 A The way I read this sentence, it would be
23 any other policies beyond the one that we are
24 reading right now.

25 Q And what would that be?

1 A Off the top of my head, I don't know.

2 Q You're not aware of any other written
3 policies of the company, right, other than the
4 employee handbook you referenced?

5 A I really don't remember where our policies
6 were documented.

7 Q Was this Plaintiff's Exhibit 37 updated
8 while you were there?

9 A I don't recall specifically. It may have
10 been over a course of 10 years that I was there.
11 It's very common to review and update codes of
12 conduct, other public documents that were on our
13 website to be in compliance with SEC, NASDAQ, et
14 cetera.

15 Q In addition to all of the other places
16 where we have talked that you could report, could
17 persons also report violations of policy, including
18 second sexual harassment discrimination to human
19 resources?

20 A Yes.

21 (PLAINTIFF'S EXHIBIT 39 WAS
22 IDENTIFIED.)

23 BY MS. PREBULA:

24 Q Let me show you what's previously been
25 marked Plaintiff's Exhibit 39. Let me know when

1 you're ready.

2 A Okay.

3 Q Do you recognize this as Information
4 Technology & Security User Policy Handbook?

5 A I see that is what it says, yes.

6 Q Does that mean you have not seen it
7 before?

8 A I don't remember seeing this.

9 Q It shows on the front that it was revised
10 February 19, 2013. Do you see that?

11 A I do.

12 Q And then on the third page in, it shows a
13 revision history.

14 A Okay.

15 Q Did you ever see such a revision history
16 for Plaintiff's 37, the code of conduct?

17 A I have not.

18 Q Did you receive any of the revisions that
19 are noted on page -- third page?

20 A I don't remember.

21 Q Did you take your laptop out of the
22 office?

23 A Yes.

24 Q Did you take your ipad out of the office?

25 A Yes.

1 Q Your apps were personal, right, on the
2 ipad?

3 A Yes.

4 Q Would you look at what says page two on
5 the bottom right, but it's about the fifth page in.
6 It has Roman numeral five in the center of the page.

7 A Okay.

8 Q Roman numeral five says, computer
9 equipment should not be removed from Carmike's
10 premises without written authorization from the IT
11 department. Was that policy followed?

12 A I don't know.

13 Q Did you have written authorization from
14 the IT department to remove your laptop?

15 A I don't recall.

16 Q Did you have -- if you will look at the
17 second bullet point it says, users shall not modify
18 Carmike computer equipment in any manner, including
19 but not limited to adding software of any kind,
20 attaching external disk drives or external hard
21 drives, et cetera. Did you have permission to add
22 personal apps to your ipad?

23 MR. GERAKITIS: Object to form.

24 THE WITNESS: I don't recall.

25

1 BY MS. PREBULA:

2 Q Was that policy followed?

3 A I don't recall.

4 Q Did you ever have an occasion to be beware
5 of Carmike accessing someone's personal e-mail
6 account through any of the computer equipment issued
7 by Carmike?

8 A I'm not aware of Carmike accessing any
9 individuals' personal e-mail accounts.

10 Q You understood that they could do that,
11 right, if they were on the corporate equipment?

12 A I did not.

13 Q Were your laptop and PC protected by
14 passwords?

15 A Yes.

16 Q Who assigned the passwords?

17 A I don't remember on the computer. But I
18 think the ipad -- I think ipads, employees could
19 determine their passwords I think on the computer
20 laptops and work stations. I remember those
21 passwords had to change frequently and I think you
22 could -- I think the user was prompted to change
23 them to whatever that user wanted within certain
24 parameters.

25 Q Other than Plaintiff's Exhibit 37 and

1 Plaintiff's Exhibit 39, and the employee handbook
2 that you told me you think exists, are you aware of
3 any other written policies that Carmike had between
4 2013 and 2015?

5 A I don't have specific recollection of any
6 others.

7 (PLAINTIFF'S EXHIBIT 38 WAS
8 IDENTIFIED.)

9 BY MS. PREBULA:

10 Q Let me show you what's been marked
11 previously as Plaintiff's Exhibit 38. Do you
12 recognize the form of that document?

13 A I do not.

14 Q I will submit to you Shannon Sailor's
15 identified this as his signature and it says Carmike
16 prohibits sexual harassment. Do you recall if there
17 was a similar form for discrimination?

18 A I do not recall.

19 Q Have you ever seen this before?

20 A I don't recall seeing this.

21 Q And I take it then you don't recall ever
22 signing a document like this?

23 A I don't. I don't recall.

24 Q And the way you're saying that, are you
25 saying that you don't recall -- you think you did

1 not or that you don't recall one way or the other?

2 MR. GERAKITIS: Object to form.

3 THE WITNESS: I don't remember this
4 document.

5 BY MS. PREBULA:

6 Q Was this what was posted on the bulletin
7 board?

8 A I don't recall this document being posted
9 on the bulletin board.

10 (PLAINTIFF'S EXHIBIT 40 WAS
11 IDENTIFIED.)

12 BY MS. PREBULA:

13 Q Let me show you what's been marked
14 previously as Plaintiff's Exhibit 40.

15 A Okay.

16 Q Have you seen this document before?

17 A I don't recall seeing this document.

18 Q You're not shown as a CC on it?

19 A I am not. It appears to be from Fred Van
20 Noy to either his direct reports or his direct and
21 indirect reports. And copied -- it looks like the
22 CC is our head of -- was our head of our internal
23 audit and compliance department.

24 Q Did you have any input into preparation of
25 this document?

1 A I don't recall being involved with this
2 document.

3 Q Prior to this -- and it's an e-mail. When
4 you said from Fred Van Noy, it's an e-mail from Fred
5 Van Noy to those folks, right?

6 A It is.

7 Q Prior to November 12, 2015, was there any
8 written policy on credit card usages?

9 A I don't remember if we had a manual with
10 the policy in it. I don't recall. I don't know.

11 Q Do you recall any written policy on credit
12 card usage prior to the issuance of this e-mail on
13 November 12, 2015?

14 A I do remember tightening on up on these
15 controls over the years. When I first came to
16 Carmike, we didn't have a computerized approval
17 process. It was people would just turn in their
18 corporate credit card bill and supervisors would
19 sign it. So, I do remember going from that manual
20 process to the computerized, but I don't remember if
21 Fred Friedl and the compliance department issued any
22 type of guidelines or not. I don't remember.

23 Q Do you have copies of any such guidelines?

24 A I do not have any Carmike documents.

25 Q Have you personally seen any written

1 policies on credit card usage prior to today?

2 A No, I haven't seen any.

3 Q Similarly, are you aware of any written
4 policies on expenses?

5 A I don't recall any written policies on
6 expenses or where they would be housed. If we had
7 them, they would have come out of -- the compliance
8 department would have released them.

9 Q But you don't recall any?

10 A I don't.

11 Q Okay.

12 A And no written ones.

13 (PLAINTIFF'S EXHIBIT 89 WAS
14 IDENTIFIED.)

15 BY MS. PREBULA:

16 Q Let me show you what's been marked as
17 Plaintiff's Exhibit 89. Take a second to look at
18 this.

19 MR. GERAKITIS: Haven't we used this?

20 MS. PREBULA: You have. I haven't. It's
21 your old Exhibit 34.

22 MR. GERAKITIS: I'll make a copy.

23 (WHEREUPON, A SHORT BREAK WAS HAD
24 IN THE DEPOSITION.)

25 BY MS. PREBULA:

1 Q Looking at Plaintiff's Exhibit 89, take a
2 look at it and let me know when you're ready.

3 A I'm ready.

4 Q So when you referred to an internal
5 auditing report, is this the document that you're
6 referring to?

7 A It is, but it looks like there is maybe
8 some other stuff behind here, too. It looks like
9 some e-mails, so I haven't looked at these e-mails.
10 I have seen this seven page memo.

11 Q So the last two pages that are attached to
12 Plaintiff's Exhibit 89 are an e-mail that you have
13 not seen before?

14 A No, I have not.

15 Q So when you were referring to the internal
16 auditing report, you were referring to the pages
17 that are numbered in the bottom right corner 178
18 through 184?

19 A Yes.

20 Q And is this the document that says that
21 you understood said that further investigation was
22 warranted?

23 A Yes.

24 Q If you will look at the first page, it
25 says continues on next page.

1 A Uh-huh.

2 Q The pages are number consecutively. Was
3 there another page to this document?

4 A I don't think so.

5 Q I think you have answered this question,
6 but now that you have it in front of you, did you
7 investigate or have any input into any of the
8 contents of Plaintiff's Exhibit 89?

9 A No.

10 Q Plaintiff's Exhibit 89 is dated
11 November 6, 2015, right?

12 A It is.

13 Q And Ms. Trawick was terminated
14 November 15th, 2015?

15 MR. GERAKITIS: Object to form.

16 THE WITNESS: I don't recall when she was
17 terminated.

18 BY MS. PREBULA:

19 Q You don't recall at all?

20 A Not the date, no.

21 Q You know it was shortly after this with
22 was issued?

23 A I don't know if it was before or after
24 this was issued.

25 Q And do you know whether it was before or

1 after she had conversations with Mr. Passman about
2 the glass ceiling at Carmike?

3 MR. GERAKITIS: Object to the form.

4 THE WITNESS: I'm not aware of those
5 conversations. And if they occurred, I would
6 not know when they occurred.

7 BY MS. PREBULA:

8 Q Is there any other document you received
9 or reviewed that you are referring to as an internal
10 auditing report?

11 A Not in reference to --

12 Q Crystal Trawick?

13 A -- Crystal Trawick.

14 Q Is there any document that you have
15 reviewed or received that is a follow-up to
16 Plaintiff's Exhibit 89?

17 A No, not that I can recall.

18 Q Was there any written policy at Carmike
19 with regard to airline travel or hotel expenses
20 prior to Ms. Trawick's termination?

21 A I don't remember specifically. I do
22 remember there was some stuff coming out of the
23 internal audit department or the compliance group
24 where travel -- what's the word -- travel policy. I
25 don't know if it was ever issued. I don't remember

1 if it was issued. I don't remember if it was
2 replacing an older version. But I do remember that
3 was something that Fred Friedl and his group were
4 working on at some point that has nothing to do with
5 this.

6 Q And do you know whether or not such policy
7 existed prior to Ms. Trawick's termination?

8 A I do not. I do not recall.

9 Q Are you aware of any written policy with
10 regard to airline travel or hotel expenses prior to
11 Ms. Trawick's termination?

12 A I don't recall specific written guidelines
13 on airfare.

14 Q Have you reviewed any notes of any
15 individual that had any meeting with Ms. Trawick in
16 the last month she was there?

17 A No.

18 Q Were you tasked with, or anyone tasked
19 with, pulling any of the back-up documents with
20 regard to Plaintiff's Exhibit 89?

21 MR. GERAKITIS: Object to form.

22 THE WITNESS: I was not asked. I do not
23 know who Fred and/or Melanie asked to pull
24 information or if they pulled it themselves.

25 BY MS. PREBULA:

1 Q And you are not aware of any document
2 where Ms. Trawick was given the opportunity to
3 respond to Plaintiff's Exhibit 89, correct?

4 MR. GERAKITIS: Object to the form.

5 THE WITNESS: I am not aware of any type
6 of correspondence of that nature.

7 BY MS. PREBULA:

8 Q When you left Carmike, did you receive a
9 severance package?

10 A I did.

11 Q And did your severance package include a
12 provision prohibiting you from cooperating in any
13 lawsuit against Carmike?

14 MR. GERAKITIS: Object to the form.

15 THE WITNESS: Can you repeat the question?

16 BY MS. PREBULA:

17 Q Sure. Did the severance package that you
18 received from Carmike prohibit you from cooperating
19 in any lawsuit against Carmike?

20 A Not that I'm aware of, and that document
21 is public record. My severance agreement is public
22 record and it's been filed with the SEC.

23 Q Are you aware of any prohibition that
24 Carmike made to you to prohibit you from cooperating
25 in any lawsuit against Carmike?

1 MR. GERAKITIS: Object to the form.

2 THE WITNESS: I am not familiar with
3 any -- I'm not familiar with any -- well, I
4 don't know. That document is publicly
5 available.

6 BY MS. PREBULA:

7 Q If you breach any provision of the
8 severance agreement, do you have to pay any
9 severance funds back to Carmike?

10 A I don't know.

11 MS. PREBULA: That's all I have for you
12 today. I appreciate your time.

13 MR. GERAKITIS: No questions.

14 MS. PREBULA: I'd like this transcribed.
15 Format, both; hard copy and electronic.

16 MR. GERAKITIS: Same.

17 (WHEREUPON, THE DEPOSITION WAS
18 CONCLUDED AT 1:12 P.M.)

19 (PURSUANT TO RULE 30(e) OF THE FEDERAL
20 RULES OF CIVIL PROCEDURE AND/OR O.C.G.A.
21 9-11-30(e), SIGNATURE OF THE WITNESS HAS BEEN
22 RESERVED.)

23

24

25

C E R T I F I C A T E

STATE OF GEORGIA)

COUNTY OF HALL)

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the proceedings were reduced to typewriting under my direction and control.

I further certify that the transcript is a true and correct record of the evidence given at the said proceedings.

I further certify that I am neither a relative or employee or attorney or counsel to any of the parties, nor financially or otherwise interested in this matter.

This, the 18th day of April, 2018.

MICHELLE J. RUIZ
CERTIFIED COURT REPORTER, B-1397

DISCLOSURE OF NO CONTRACT

I, Michelle J. Ruiz, Certified Court Reporter, do hereby disclose pursuant to Article 10.B of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia that I am a Georgia Certified Court Reporter; I was contacted by the party taking the deposition to provide court reporting services for this deposition; I will not be taking this deposition under any contract that is prohibited by O.C.G.A. 15-14-37(a) and (b) or Article 7.C of the Rules and Regulations of the Board; and I am not disqualified for a relationship of interest under O.C.G.A. 9-11-28(c).

There is no contract to provide reporting services between myself or any person with whom I have a principal and agency relationship nor any attorney at law in this action, party to this action, party having a financial interest in this action, or agent for an attorney at law in this action, party to this action, or party having a financial interest in this action. Any and all financial arrangements beyond my usual and customary rates have been disclosed and offered to all parties.

This, the 18th day of April, 2018.

Michelle J. Ruiz
Certified Court Reporter
Certificate Number B-1397

Richard Hare

Trawick v. Carmike Cinemas, Inc.

April 10, 2018

E R R A T A S H E E T

I, the undersigned, RICHARD HARE,
do hereby certify that I have read the foregoing
deposition and that, to the best of my knowledge,
said deposition is true and accurate (with the
exception of the corrections listed below).

PAGE/ LINE CORRECTION

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NOTARY PUBLIC

SIGNATURE

DATE-----

MY COMMISSION EXPIRES:

REGENCY-BRENTANO, INC.

Richard Hare

Trawick v. Carmike Cinemas, Inc.

April 10, 2018

A				
Absolutely 71:16	112:10	approver 54:22,23	111:23	84:24 85:8,10
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